

## MEMO ENDORSED

November 1, 2007

Hon. P. Kevin Castel  
United State District Judge  
U.S. District Court  
Southern District of New York  
500 Pearl St.  
New York N.Y. 10007

USDS SDNY  
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BY FACSIMILE (212-805-7949)

Re: Walter Lipscomb v. City of New York, et al.  
07 Civ. 4603 (PKC)(FM)

Dear Judge Castel:

I represent the plaintiff in this case and write to request a pre-motion conference relative to plaintiff's intention to move to file an amended complaint.

The status of the case is that each side has served discovery requests but depositions have not begun.

The proposed Amended Complaint adds facts but no parties or claims. Plaintiff provided defense counsel with a copy of the proposed Amended Complaint on October 19<sup>th</sup> but the defense has not determined whether or not to consent.

I request the Court schedule a conference or a phone conference on this matter.

Thank you.

Respectfully,

John Ware Upton

*cc: Andrez Carberry, Assistant Corporation Counsel (212-788-0940)*